

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WESTPORT INSURANCE CORPORATION,	:	CIVIL ACTION NO. 1:05-CV-1252
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
BLACK, DAVIS & SHUE AGENCY, INC., and WESTPORT INSURANCE CORPORATION,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 2nd day of December, 2005, upon consideration of plaintiff's motion to dismiss (Doc. 14), arguing that defendant's counterclaim for common law bad-faith insurance should be dismissed because Pennsylvania does not recognize such a cause of action, see D'Ambrosio v. Pa. Nat'l Mut. Cas. Ins. Co., 431 A.2d 966 (Pa. 1981), and it appearing that defendants concur in the motion (see Doc. 14 at 5); see also L.R. 7.6 ("Any party opposing any motion shall file a responsive brief . . . [or] shall be deemed not to oppose such motion."), it is hereby ORDERED that:

1. The motion to dismiss (Doc. 14) is GRANTED.
2. Defendants' counterclaim for common law bad-faith insurance is DISMISSED.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge